THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.29271 of 1995

Dated:04.04.2006

Between:
Kanyaka Parameshwari Cooperative Housing Society Ltd., and another.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Secretary, Revenue (UC.II) Department, Secretariat, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.29271 of 1995

ORDER:

The petitioners herein filed the present writ petition assailing Memo No.25906/UC.II(2)/87-40, dated 20.11.1995, whereby and whereunder the Government rejected the request of the petitioners to exempt the land admeasuring Acs.12.27 cents and Acs.30.08 cents in T.S.No.7 (Survey Nos.11 to 18 and 20 to 22) of Meersagar Village. While passing the orders, the Government placed reliance on the judgment of the Supreme Court in **S.Vasudeva v. State of Karnataka**[1].

When the matter is heard today, the learned Counsel for the petitioners brought to the notice of this Court that the decision in **S.Vasudeva v. State of Karnataka** (supra) has been overruled by a three Bench judgment of the Supreme Court in **T.R.Thandur v. Union of India**[2]. This legal position is not denied by the learned Assistant Government Pleader for Revenue (General).

Therefore, without expressing any opinion as to the right of the petitioners to seek exemption under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976, the impugned order is set aside, and the matter is remitted to the first respondent with a direction to dispose of the application of the petitioners for exemption, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

04.04.2006
vs

[1] (1993) 3 SCC 467

[2] (1996) 3 SCC 690